

EXHIBIT A

Cinda C. Towne

From: Cristin Sharp <cristin@mattsharplaw.com>
Sent: Friday, March 25, 2022 3:27 PM
To: Debra Spinelli
Cc: 'T.J. McKenna'; 'Matthew L. Sharp'; 'Radin, Stephen'; 'Zalka, Caroline'; 'Sytsma, Elizabeth'; 'Greg Egleston'; 'Ruffi, Dylan'; Cinda C. Towne
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)(Marathon)

CAUTION: This message is from an EXTERNAL SENDER.

Debra,

My apologies, but Matt did not respond to either my email or my text. I have been connected to the court's video conference system watching his trial and he went into a conference room during the break to prepare for his cross of the opposing counsel's economist expert witness. I have no idea whether an authority to use an e-signature after the fact would be acceptable to you, but as Mr. Sharp is a solo-practitioner, I have no other attorney to provide authorization. I'm sorry the circumstances are aligning this way the weekend the CM/ECF system is going down for an upgrade.

I'm sure Matt will respond at some point, but it will likely be after 5 pm. I cannot provide what you need as I am not a lawyer, but I honestly believe he would have no issues with it due to our co-counsel's consent, for whatever that's worth.

Cristin B. Sharp
Legal Assistant
Matthew L. Sharp, Ltd.
432 Ridge Street
Reno, NV 89501
(775) 324-1500
(775) 284-0675 – facsimile
cristin@mattsharplaw.com
www.mattsharplaw.com

From: Debra Spinelli <dls@pisanellibice.com>
Sent: Friday, March 25, 2022 2:33 PM
To: Cristin Sharp <cristin@mattsharplaw.com>
Cc: T.J. McKenna <TJMcKenna@gme-law.com>; Matthew L. Sharp <matt@mattsharplaw.com>; Radin, Stephen <stephen.radin@weil.com>; Zalka, Caroline <caroline.zalka@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; Greg Egleston <egleston@gme-law.com>; Ruffi, Dylan <Dylan.Ruffi@weil.com>; Cinda C. Towne <cct@pisanellibice.com>
Subject: Re: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)(Marathon)

I am just checking in on authority to e-sign. ECF shuts down at 5:00 pm today. If I missed an email/authorization, my apologies.

Thank you,
Debbie

On Mar 25, 2022, at 11:46 AM, Cristin Sharp <cristin@mattsharplaw.com> wrote:

CAUTION: This message is from an EXTERNAL SENDER.

I'll see if I can get a hold of Matt. He's in the middle of a trial down in Las Vegas. They will be breaking for the lunch hour soon.

Cristin B. Sharp
Legal Assistant
Matthew L. Sharp, Ltd.
432 Ridge Street
Reno, NV 89501
(775) 324-1500
(775) 284-0675 – facsimile
cristin@mattsharplaw.com
www.mattsharplaw.com

From: T.J. McKenna <TJMcKenna@gme-law.com>
Sent: Friday, March 25, 2022 11:08 AM
To: Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>
Cc: Radin, Stephen <stephen.radin@weil.com>; Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>; Zalka, Caroline <caroline.zalka@weil.com>; Debra Spinelli <dls@pisanellibice.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; Greg Egleston <egleston@gme-law.com>; Ruffi, Dylan <Dylan.Ruffi@weil.com>
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)(Marathon)

Matt:

This revised stipulation sent to us by defense counsel on Wed., March 23 is acceptable to us. Defendants want to file this today so they will need your permission to sign your name. Please give it to them. Thanks.

TJ

*Thomas J. McKenna Gainey McKenna & Egleston 501 Fifth Avenue, 19th Floor, New York, NY 10017
Tel: 212-983-1300 / Fax: 212-983-0383 / Cell: 914-552-2786*

From: Ruffi, Dylan <Dylan.Ruffi@weil.com>
Sent: Wednesday, March 23, 2022 10:53 AM
To: T.J. McKenna <TJMcKenna@gme-law.com>
Cc: Radin, Stephen <stephen.radin@weil.com>; Zalka, Caroline <caroline.zalka@weil.com>; Debra Spinelli <dls@pisanellibice.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; matt@mattsharplaw.com; Greg Egleston <egleston@gme-law.com>
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)(Marathon)

Thank you, TJ. A revised stipulation is attached with redline.

Please let us know if we are authorized to sign electronically for Matt and we will get this on file today.

Best,
Dylan



Dylan L. Ruffi

Weil, Gotshal & Manges LLP

767 Fifth Avenue
New York, NY 10153
dylan.ruffi@weil.com
+1 212 310 8811 Direct
+1 212 310 8007 Fax

From: T.J. McKenna <TJMcKenna@gme-law.com>
Sent: Wednesday, March 23, 2022 8:03 AM
To: Ruffi, Dylan <Dylan.Ruffi@weil.com>
Cc: Radin, Stephen <stephen.radin@weil.com>; Zalka, Caroline <caroline.zalka@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; matt@mattsharplaw.com; Greg Egleston <egleston@gme-law.com>
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)(Marathon)

Dylan:
Greg is on vacation overseas. We can agree to give you a two week extension of your March 25 deadline and then sort out a schedule when Greg is back.
TJ

Thomas J. McKenna Gainey McKenna & Egleston 501 Fifth Avenue, 19th Floor, New York, NY 10017 Tel: 212-983-1300 / Fax: 212-983-0383

From: Ruffi, Dylan <Dylan.Ruffi@weil.com>
Sent: Monday, March 21, 2022 5:48 PM
To: Greg Egleston <egleston@gme-law.com>
Cc: Radin, Stephen <stephen.radin@weil.com>; Zalka, Caroline <caroline.zalka@weil.com>; Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; matt@mattsharplaw.com; T.J. McKenna <TJMcKenna@gme-law.com>
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)

Good afternoon Greg,

Further to the below, attached is a draft stipulation.

Please let us know if we have your consent to get this filed or if you have any comments.

Best,
Dylan



Dylan L. Ruffi

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
dylan.ruffi@weil.com
+1 212 310 8811 Direct
+1 212 310 8007 Fax

From: Greg Egleston <egleston@gme-law.com>
Sent: Friday, March 11, 2022 2:01 PM

To: Ruffi, Dylan <Dylan.Ruffi@weil.com>; Zalka, Caroline <caroline.zalka@weil.com>
Cc: Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; matt@mattsharplaw.com; T.J. McKenna <TJMcKenna@gme-law.com>
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)

Dylan: Yes. How about 2pm? If that is good, please circulate a call in number. If not, please let me know what time and I will try to land on it. Best, Greg

Gregory M. Egleston, Esq.
Gainey McKenna & Egleston
501 Fifth Avenue, 19th Floor
New York, New York 10017
Tel: 212-983-1300
Fax: 212-983-0383
www.gme-law.com

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify Gainey McKenna & Egleston immediately by telephone at 212-983-1300, or e-mail gegleston@gme-law.com and immediately delete this message and all its attachments.

From: Ruffi, Dylan <Dylan.Ruffi@weil.com>
Sent: Friday, March 11, 2022 1:53 PM
To: Greg Egleston <egleston@gme-law.com>; Zalka, Caroline <caroline.zalka@weil.com>
Cc: Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; matt@mattsharplaw.com; T.J. McKenna <TJMcKenna@gme-law.com>
Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)

Good afternoon Greg,

Are you available Monday afternoon (3/14) for a call? If so, let us know your availability and we will circulate an invite.

Best,
Dylan



Dylan L. Ruffi

Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
dylan.ruffi@weil.com
+1 212 310 8811 Direct
+1 212 310 8007 Fax

From: Greg Egleston <egleston@gme-law.com>
Sent: Wednesday, March 9, 2022 3:40 PM

To: Zalka, Caroline <caroline.zalka@weil.com>

Cc: Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; Ruffi, Dylan <Dylan.Ruffi@weil.com>; matt@mattsharplaw.com; T.J. McKenna <TJMcKenna@gme-law.com>

Subject: RE: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)

Caroline: Thanks for reaching out. We will hold off on serving the individual defendants. Let's schedule a call to discuss when you are available. Regards, greg

Gregory M. Egleston, Esq.

Gainey McKenna & Egleston

501 Fifth Avenue, 19th Floor

New York, New York 10017

Tel: 212-983-1300

Fax: 212-983-0383

www.gme-law.com

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify Gainey McKenna & Egleston immediately by telephone at 212-983-1300, or e-mail gegleston@gme-law.com and immediately delete this message and all its attachments.

From: Zalka, Caroline <caroline.zalka@weil.com>

Sent: Wednesday, March 9, 2022 11:15 AM

To: Greg Egleston <egleston@gme-law.com>; matt@mattsharplaw.com

Cc: Sytsma, Elizabeth <Elizabeth.Sytsma@weil.com>; Ruffi, Dylan <Dylan.Ruffi@weil.com>

Subject: Bernard v. Thiel et al., 21-cv-00305 (D. Nev.)

Gregory, Matthew,

Hope all is well. I am reaching out because we represent the defendants in *Bernard v. Thiel*, the derivative action you recently filed in the District of Nevada.

Just a couple of housekeeping items – we saw that you had served the company but not yet the individuals. We can accept service on behalf of the individual defendants (Fred Theil, Georges Antoun, Kevin DeNuccio, Sarita James, Jay Leupp, Said Ouissal, Merrick D. Okamoto, and Simeon Salzman) and can work out a mutually agreed upon date to effect service with you.

Best,

Caroline



Caroline Hickey Zalka

Weil, Gotshal & Manges LLP

767 Fifth Avenue

New York, NY 10153

caroline.zalka@weil.com

+1 212 310 8527 Direct

+1 212 310 8007 Fax

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.